

**VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
BY-LAWS**

PART I. OFFICERS

Article 1. General

A. Number.

The officers of the Board of Funeral Directors and Embalmers shall be a President, a Vice-President, and a Secretary-Treasurer.

B. Election.

During the month of June of each year, the Board shall elect its officers. Nominations for office shall be selected by open ballot. Voting will be by roll-call ballot and require a majority.

C. Terms of Office.

Each officer shall serve for 12 months, July 1-June 30. No person shall serve more than one consecutive term in any office unless serving an unexpired term of six months or less.

D. Vacancies.

A vacancy occurring in any office shall be filled during the next meeting of the Board.

Article II. Duties of the Officers

A. President.

The President shall preside at all meetings and formal administrative hearings in accordance with parliamentary rules and the Administrative Process Act, and requires adherence of it on the part of the board members. The Chair shall appoint all committees unless otherwise ordered by the Board.

B. Vice-President.

The Vice-President shall, in the absence or incapacity of the President, perform pro tempore all of the duties of the President.

C. Secretary/Treasurer.

The Secretary-Treasurer shall perform generally all the duties necessary and usually pertaining to such office

D. In the absence of the President, Vice-President, and Secretary-Treasurer, the President shall appoint another board member to preside at the meeting and/ or formal administrative hearing.

E. The Executive Director shall be the custodian of all Board records and all papers of value. She/He shall preserve a correct list of all applicants and licensees. She/He shall manage the correspondence of the Board and shall perform all such other duties as naturally pertain to this position.

PART II. MEETINGS

A. Organizational Year

The organizational year for the Board shall be from July 1st through June 30th. At the June board meeting, the Board shall elect from its members a President, Vice-President, and Secretary/Treasurer with an effective date of July 1st. The term of office shall be one year.

B. Number.

For purposes of these Bylaws, the Board schedules full board meetings to take place during each quarter, with the right to change the date or cancel any board meeting; with the exception that one meeting shall take place annually. Board members shall attend all board meetings in person, unless prevented by illness or similar unavoidable cause. A majority of the members of the Board shall constitute a quorum for the transaction of business. The current edition of Robert's Rules of Order, revised, shall apply unless overruled by these bylaws or when otherwise agreed.

Members shall attend all scheduled meetings of the Board and committee to which they serve. In the event of two consecutive absences at any meeting of the Board or its committees, the Chairman shall make a recommendation to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.

C. Order of Business

The order of the business shall be as follows:

1. Call to order with statement made for the record of how many and which board members are present and that it constitutes a quorum.
2. Approval of minutes.
3. The Executive Director and the President shall collaborate on the remainder of the agenda.

ARTICLE IV: COMMITTEES

There shall be the following committees:

A. Standing Committees:

1. **Special Conference Committee.** This committee shall consist of two board members who shall review information regarding alleged violations of the funeral service laws and regulations and determine if probable cause exists to proceed with possible disciplinary action. The special conference committee shall normally hold informal conferences with the right to change the date or cancel any meeting. The President shall also designate another board member as an alternate on this committee in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date. Further, should the caseload increase to the level that additional special conference committees are needed, the President may appoint additional committees.
2. **Examination Committee.** The committee shall consists of three board members- two funeral service licensees and one citizen member and the Executive Director. The Examination Committee shall meet as required for the purpose of writing new items for the jurisprudence examination and to maintain the integrity, defensibility and current status of the funeral jurisprudence examination for the purpose of licensure.
3. **Regulatory and ByLaws Committee.** The committee shall consist of three Board members of which one member shall be the Chair. The Board delegates to the Regulatory and By-Laws Committee the authority to consider and respond to petitions for rulemaking. This committee is responsible for the development of proposals for new regulations or amendments to existing regulations with all required accompanying documentation; the drafting of Board responses to public comment as required in conjunction with rulemaking; conducting the required review of all existing regulations as required by the Board's Public Participation Guidelines and any Executive Order of the Governor, and other required tasks related to regulations. In accordance with the Administrative Process Act, any proposed draft regulation and response to public comment shall be reviewed and approved by the full Board prior to publication.
4. **Legislative Committee.-** The committee shall consist of three Board members of which one member shall be the Chair. The Board delegates the authority to develop proposals for legislative initiative of the Board. The Committee is responsible for the drafting of Board responses to public comment as required in conjunction with rulemaking; conducting the required review of all existing regulations as required by the Board's Public Participation Guidelines and any Executive Order of the Governor, and other required tasks related to regulations. In accordance with the Administrative Process Act, any proposed draft legislation and response to public comment shall be reviewed and approved by the full Board prior to publication.
5. **Continuing Education Committee.** This committee shall consist of two board members who shall meet as required to review applications for approval of continuing funeral service education programs and other matters related to continuing education. The Board delegates the approval of continuing funeral service programs to this committee.

B. Ad Hoc Committees

There may be Ad Hoc Committees, appointed as needed and shall consist of three or more persons appointed by the Board who are knowledgeable in the particular area of practice or education under consideration by the Board. The committee shall review matters as requested by the Board and advise the Board relative to the matters or make recommendations for consideration by the Board.

ARTICLE V.: GENERAL DELEGATION OF AUTHORITY

1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum qualifications have been met.
2. The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms and documents used in the disciplinary process.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
6. The Board delegates to the Continuing Education Committee the authority to grant extensions for continuing education on a one-time basis upon written request of the licensee prior to the renewal date in accordance with regulations.
7. The Board delegates to the President the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required, and a meeting is not feasible.
8. The Board delegates to the Department of Health Professions' inspectors the authority to issue a Compliance Notice upon completion of an inspection, and the Board delegates to the Executive Director the authority to issue letters regarding reported deficiencies to the facilities or licensee.
9. The Board delegates to the Executive Director, the review and approval of hardship waiver applications. Should the Executive Director receive a non-routine application regarding the waiver provision, the application may require review for approval by the Special Conference Committee.

ARTICLE VI. AMENDMENTS

A board member or staff personnel may propose amendments to these Bylaws by presenting the amendment in writing to all Board members prior to any scheduled meeting of the Board. Upon favorable vote of at least two-thirds of the Board members present at said meeting, such proposed amendment shall be adopted. If notice is given to the Board members at a previously held board meeting, a favorable vote of a majority of the Board members present at the current board meeting is required to adopt the amendment.

Effective Date: March 8, 2000

Fenton L. Bland, Jr., President
Board of Funeral Directors and Embalmers